

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ANDRE'A DARIUS JOHNSON	§	
VS.	§	CIVIL ACTION NO. 1:22-CV-313
USP BEAUMONT STAFF, <i>et al.</i> ,	§	

ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Andre’a Darius Johnson, an inmate confined at USP Beaumont, proceeding *pro se*, filed this *Bivens*-type action¹ against Defendants USP Beaumont Staff, USP Medical Staff and the United States of America.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends this case be dismissed pursuant to Federal Rule of Civil Procedure 41(b) as Plaintiff failed to provide a certified income trust statement for the preceding six month period (doc. # 5).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge have been filed to date. Plaintiff did, however, provide a certified copy of his income trust statement on October 20, 2022 (doc. # 9). As a result, the magistrate judge entered an order requiring Plaintiff to pay the initial partial filing fee of \$33.92 on October 21, 2022 (doc. # 10). Plaintiff has yet to pay the initial partial filing fee. The only correspondence the court has received from Plaintiff is a Motion to Present into Evidence (doc. # 11).

¹See *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **PARTIALLY ADOPTED**, to the extent it recommends dismissal. Plaintiff has an additional thirty (30) days to pay the initial partial filing fee of \$33.92. Plaintiff is admonished that failure to comply with this order will result in dismissal of this case for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b) and a Final Judgment will be entered if payment is not received within thirty (30) days of entry of this order.

SIGNED this the **7** day of **December, 2022**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", is written over a horizontal line.

Thad Heartfield
United States District Judge